

COUNCIL MEETING MINUTES

May 17, 2017

Niles City Council held its regular meeting on May 17, 2017 at 6:00 p.m. in Council Chambers Safety Service Complex in Niles, Ohio.

The meeting was called to order by President Robert Marino, and the Clerk, Nicole Bacak, called the roll:

Papalas- P, Lastic- P, McNaughton-P, Steffey-P, Marchese-P, Mientkiewicz-P, Pezzano-P, Marino-P

President Marino: Before we begin the meeting, we are testing this evening a live stream of our council meetings. Gary. The camera is up here so Mr. Dibble is working through this. It is our hope to get this up and running as quickly as possible so that folks can see the meetings in its entirety and what transpires. Unedited, unfiltered just as it occurs. So, that's what this little thing up here is. So, I just wanted to make sure that everybody's aware that is being recorded tonight. I don't know what Dibble is doing with it but it's in Beta right now. We are listening, believe it or not, to what you are telling us. That you want these things done and we are working judiciously to get them accomplished. Mr. Papalas.

Mr. Papalas: Mr. Chairman, I want to make a motion just for this evening that we change the order of the agenda so that the reading of the ordinances is first. Because I have somewhere to go this evening and I don't want to miss the vote.

President Marino: So might I ask that we amend to include public remarks and then agenda items. So, is there second? Is that alright, Steve?

Mr. Papalas: Yes.

President Marino: So we get public remarks.

It was moved by Papalas, seconded by Steffey to amend the order of the agenda.
Motion carried.

President Marino: So public remarks will be right now and then we'll go vote on the agenda. Anyone wish to address council this evening? Ralph, come forward and state your name and address for the record. Ralph, you have to come up to the.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

Ralph Cartino: Hi Bobby.

President Marino: How are you doing my friend.

Ralph Cartino: Good. Ralph Cartino, 26 Belmont Ave. Niles, Ohio. And I know I only got five minutes. To all of you in here that know I have myeloma cancer, I appreciate you calling me with your prayers. And I am here to thank Jeff Crowley. I have a house behind me at 21 Fulton. Got a swimming pool, they're starting to put tires back there. It's a mess. The grass is this high. Jeff's doing his best. Some bank in California has it and won't meet with him. And I keep hearing, and not just him, Niles has no money. I got cancer. I can't afford to get bit by a mosquito. I've let that place for a couple of years now, okay. I can't go hunting. I can't go into the woods. I can't break a bone. I can't do nothing. I'm crippled. I should be in a wheelchair. If they wouldn't have caught my cancer in my spine, it was 10% away from breaking, okay. So, I'm only here to try and get that piece. I don't care what happens in my neighborhood anymore except in my surrounding neighbor.

President Marino: Jeff, I saw the sheriff was in town today cutting grass. Can't you put that on the list?

Jeff Crowley: It is. It is on the list.

Ralph Cartino: Yeah, he's got it.

President Marino: Alright.

Ralph Cartino: You know, the young man needs help. You know what I mean. We have council people, do they go around, take pictures, showing him? Helping him? Saying look on this house. You know, I mean I think that's what a council person is supposed to do. Help the young man out. I took six coons out of the house next to me, that purple house, before S and K cleaned it all up. I called and I called. There's probably rats and coons and possums and you know what I mean, Bobby. I don't want to jump the fence and punch a hole in that pool because.

President Marino: Well, regarding

Ralph Cartino: I'll go to jail. Okay.

President Marino: Ralph, regarding Mr. Crowley or

Ralph Cartino: Yeah I know.

President Marino: That position he sits in.

Ralph Cartino: He's doing super good.

President Marino: Well council and the administration did address that by making that position full time.

Ralph Cartino: I know. Oh, it's full time now.

President Marino: It's housing and zoning.

Ralph Cartino: Oh okay. Okay.

President Marino: And he is busy.

Ralph Cartino: Okay. Okay.

President Marino: Not minimizing but, you know.

Ralph Cartino: Okay.

President Marino: We're trying to address things as best we can.

Ralph Cartino: I know you are.

President Marino: Regarding going through town.

Ralph Cartino: I know.

President Marino: And looking at things and sending text messages, I know Jeff regrets when he sees my number pop up on his phone because I do.

Ralph Cartino: Oh I know.

President Marino: And I know my colleagues do as well.

Ralph Cartino: Oh I know. I'm feeling good and I haven't been here at meetings because I've been down.

President Marino: Yeah.

Ralph Cartino: Okay but I will be back. Thank you.

President Marino: Well, it's good to see you my friend.

Ralph Cartino: Have a great day.

President Marino: Anyone else? Anyone else? Mrs. Stahl and then we'll get you Mr. Joseph.

Linda Stahl: 717 Carl Ave. Niles, Ohio. I just wondered what was going on. I see I have a little blue flag in the yard but nobody's called back, knocked on the door, said anything so.

Mr. Catanzarite: So, if I may.

President Marino: Go ahead Andy.

Mr. Catanzarite: We, myself and Brian Paridan, were up there yesterday. I did...we found where your hydrant and your shut off valve stuff is. That's what the flag is marking. We haven't done anything yet, we just located it. We talked to your neighbor. She was outside. She did tell us she was not having any issues at this time. We went ahead and we flushed the hydrant there yesterday.

Linda Stahl: At the bottom of the street?

Mr. Catanzarite: At the bottom of the street for you. Okay and I know you're at the end but that's the closest hydrant we have right now. And I didn't have your number yet. I was hoping to get it from Linda but since you're here, please make sure you grab me before you leave. I want to come and get a sample tomorrow morning and take down and have it tested for you to show that it's okay.

Linda Stahl: It's still green. Is that what you mean?

Mr. Catanzarite: I need to come into the house, okay.

Linda Stahl: Okay.

Mr. Catanzarite: Okay so before you leave

Linda Stahl: Okay.

Mr. Catanzarite: Okay.

President Marino: Thanks Mrs. Stahl.

Linda Stahl: Okay.

President Marino: Mr. Joseph.

Mark Joseph: Thank you. You might want to turn that off. I have some. This is kind of an old topic that I want to bring up.

Clerk: I need his name and address.

President Marino: Mr. Joseph, we need your name and address for the record.

Mark Joseph: Oh, I'm sorry. Mark Joseph, 1227 North Road Niles, Ohio 44446. This is some old news that I heard about. A meeting a while ago, city council and I heard this from a couple of tax payers/residents that city council addressed the attending tax payers and I'm going to paraphrase a little bit so I apologize. That the statement was "why do you come to this meeting?" Now, I was surprised when I heard that from two different people that it was said in this council meeting. Umm and so at first I was surprised. And then I thought about it and I have plenty of time to think with my disability. It allows me to think a lot. Umm so I was surprised and then the more I thought about it the more I realized it was a really good question. Umm why do I come to these meetings? Is it because I don't have a life and this the only way to socialize? No. Is it because I don't have any friends and it's the only way to mix with other people? No. It's because I care about this city. And the more I think about it, why do you not know why I'm here? Why do you ask that question? I know there is a council person here that knows exactly why I'm here. That person connects with their ward every month. They inform the members of the ward when the meeting is, the time, location, all of that. And then if that person doesn't have a ride or can't get there, they make every possible accommodation to get that person at that meeting. Umm and the more I thought about it, the more I realized I should ask the question. Why do you come to this meeting?

Mr. Papalas: Who said that anyway?

Mark Joseph: I'm not bringing that up. That's not.

Mr. Papalas: Well, it was never said.

Mark Joseph: It was said.

President Marino: Do you have a question, Mr. Joseph?

Mark Joseph: No, I'm going to get... I'm sorry sir. I just wanted to back that up a little bit.

President Marino: Okay.

Mark Joseph: Okay and once again I apologize if I phrased the term incorrectly, but I was told by two different people that are not associated with each other. So, Mr. Marino.

President Marino: Yes sir.

Mark Joseph: Here's my question. Is it possible to make it mandatory that each city council member each city council member hold a block watch once a month? And.

President Marino: No. You asked a question and the answer is no.

Mark Joseph: Dang, I had two other questions to go along.

President Marino: Well, go to the next one. The first one the answer is no.

Mark Joseph: Well no they are associated with that.

President Marino: Okay. Go ahead.

Mark Joseph: Alright so you kinda shot a hole in my boat.

President Marino: Go ahead. It's alright.

Mark Joseph: I... I believe if you really want to know why we're here, you need to start asking the question what is truly bothering your constituents? And I don't hear that. I understand that you may think some of this is just white noise. And you get it twice a month for about a half an hour. I get it. I understand. But, you... the people behind me once they figure out how to organize and have a common goal, then you're going to realize why they come to this meeting. Mr. Marino, once again thank you for your time.

President Marino: Pleasure.

Mark Joseph: And that's all I got.

President Marino: Thanks Mr. Joseph. Anyone else wish to address council? Anyone else? In the opinion of the chair, there being none. Will the clerk please present tonight's legislation?

ORDINANCES AND RESOLUTIONS

ORDINANCE NO. ____ (Amended Draft No. 66-17)

AN ORDINANCE AMENDING CODIFIED ORDINANCE NO. 501.14, "ABATEMENT OF CRIMINAL ACTIVITY NUISANCES"

It was moved by Pezzano, seconded by Papalas to suspend the rule requiring three readings.

Mr. Pezzano: Mr. President, I'd like to personally thank and also my colleagues would thank Mr. Swauger for attending that meeting last Wednesday. For clarifying this ordinance up for us. And also, Mr. Crowley and Mr. Vigorito for their input. Thank you again.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Pezzano seconded by Papalas to adopt this Amended Draft No. 66-17.

YEAS: 7 NAYS: 0

This amended Draft No. 66-17 has been adopted on the 17th day of May 2017.

ORDINANCE NO. _____(Amended Draft No. 67-17)

AN ORDINANCE AMENDING CODIFIED ORDINANCE NO. 1402.10, "DWELLING PERMIT

It was moved by Pezzano, seconded by Marchese to suspend the rule requiring three readings.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Papalas seconded by Lastic to adopt this Amended Draft No. 67-17.

YEAS: 7 NAYS: 0

This amended Draft No. 67-17 has been adopted on the 17th day of May 2017.

RESOLUTION NO. _____(Draft No. 75-17)

A RESOLUTION AUTHORIZING QUARTERLY CASH TRANSFERS; AND, DECLARING AN EMERGENCY

It was moved by Steffey, seconded by Papalas to suspend the rule requiring three readings.

Mr. Steffey: These are just transfer for the police and fire pension.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Lastic seconded by Papalas to adopt this Draft No. 75-17.

YEAS: 7 NAYS: 0

This Draft No. 75-17 has been adopted on the 17th day of May 2017.

ORDINANCE NO. ____ (Draft No. 76-17)

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT THROUGH THE STATE PURCHASING PROGRAM FOR THE PURCHASE OF UTILITY VEHICLES FOR THE LIGHT DEPARTMENT; AND, DECLARING AN EMERGENCY

It was moved by Steffey, seconded by Papalas to suspend the rule requiring three readings.

Mr. Mientkiewicz: Quick comment. Last year, we purchased two new bucket trucks and if this goes through today, we're going to be purchasing a few other ones. Mr. Newbrough, after this goes through, your department should be pretty good with new vehicles correct?

Mr. Newbrough: We will have replaced all vehicles in our department except the pole digger truck.

Mr. Mientkiewicz: Okay.

Mr. Newbrough: And it's about... it's over fifteen years old. And we are going to consider next year whether we want to replace that one or not. That's all we have left in the light department.

Mr. Mientkiewicz: Just that one.

Mr. Newbrough: Yes.

Mr. Mientkiewicz: Okay.

Ms. Marchese: Also Mr. Newbrough, on the Ford F-20 with snow package, what is that one used for?

Mr. Newbrough: That is a replacement for E-12 which our landscaper/general laborer for the whole city. You know Joe Cella, that's his truck.

Ms. Marchese: Oh okay. Alright. So it's used year round.

Mr. Newbrough: Pardon me?

Ms. Marchese: That will be used year round.

Mr. Newbrough: Yes absolutely.

Ms. Marchese: Okay.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Papalas seconded by Lastic to adopt this Draft No. 76-17.

YEAS: 7 NAYS: 0

This Draft No. 76-17 has been adopted on the 17th day of May 2017.

ORDINANCE NO. _____ (Draft No. 77-17)

AN ORDINANCE AMENDING SECTIONS 1511.01, 1511.05 AND ADDING SECTION 1511.06 TO THE FIRE PREVENTION CODE, AND DECLARING AN EMERGENCY

It was moved by Pezzano, seconded by Mientkiewicz to suspend the rule requiring three readings.

Mr. Pezzano: Mr. President and the public, the fire chief wanted to change the language with open fire. Especially the time frame that you can have it, the distance from structures and the size of the open fire. Thanks chief.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Pezzano seconded by Papalas to adopt this Draft No. 77-17.

YEAS: 7 NAYS: 0

This Draft No. 77-17 has been adopted on the 17th day of May 2017.

President Marino: Before we go into the acceptance of minutes, I would ask that council reconsider the reciprocity ordinance and I want to turn it over to our law director to explain on why sponsorship at the next council meeting and passage will be permissible. Terry, did you want to?

Law Director Swauger: Yes. As you know our reciprocity was not changed with the change of our income tax. We talked about changing that reciprocity issue and there was concern because it may affect members of council themselves. I have received a written opinion from the ethics commission that there is no restriction. You all are permitted to vote on any reciprocity issue without any ethic violations or violations of conflict of interest. So that can be presented to council if someone wishes to. If there is a sponsor for that legislation and my office will have it prepared for the next meeting if someone if a committee wants to sponsor it.

Mr. Steffey: Finance will sponsor it.

Law Director Swauger: I will make sure it's ready for the next council meeting.

President Marino: We have to get that done because our audits are starting and then it's causing issues.

Mr. Steffey: Now it's clearer so.

President Marino: Yeah. The next thing is the hiring policy. Council, I would hope would have some resolution on where you're going with this relative to amending that policy. I know there were two proposals presented by the law director. The issue is becoming that we are experiencing vacancies. We're all aware of the tree trimming department, which is nonexistent at this particular moment in time. We're now beginning to experience trouble or issues in our waste water treatment plant with retirements and vacancies. So, we still have to perform the people's business relative to filling positions so it would be my hope that there's resolution before the next council meeting if not sooner in providing the administration with direction to get this moving. Because it can't lay and wait any longer.

Mr. Steffey: I agree with you 100%. It was never meant to become cumbersome or invade or micromanage a department. It's my position that we talked at the last finance committee meeting at looking at the budgets semi-annually. So that we have an opportunity to see who is under performing, over performing, where we're at, capital assets. Dividing it to every 6 months and that would include the ability to fund or defund jobs at that time. The intent was for transparency and to make sure that every person that applied for the job had the equal opportunity to be hired by the city of Niles. We have had, with any new system, we've had problems but the last thing we want to do is hold/ tie the hands of management in the city so they can't have employees there to do the job that we all expect them to do. So I'm hoping that we're going... I'm going to schedule a finance meeting. I'll let you know within the next 24 hours when that is and I'm hoping by that time we can resolve this and amended it so that it makes it easier moving forward.

President Marino: Thanks Steve. I just wanted you to hang out for.

Mr. Papalas: That's good. Thank you.

President Marino: To care of that so.

Mr. Papalas: Alright, excuse me everyone.

President Marino: Let the record reflect that council... let the record reflect that council is excusing Mr. Papalas for a prior commitment.

Ms. Marchese: Mr. President, did we have, I guess I should address the administration, if you know that someone is going to retire, is there a hiring practice to maybe come in two months or three months before that individual leaves. I guess, if they're not there to train them, I guess that's kinda my question.

Mr. Stredney: The way it is now we can't even bid without a resolution from council. So, even if we wanted to bid to make arrangements to allow someone to come and train, we can't. That's what we are getting into. We have a retirement coming up in June.

Ms. Marchese: Yeah.

Mr. Marchese: And somebody else is looking at bidding out which will leave two openings. We know that there... another gentleman is expecting a child so we'll have three openings in one department. And I would love to post at least one job tomorrow but we just found out passed the deadline for some of it so it's... we're in this catch 22. We can't bid the job because we need legislation so.

President Marino: Barry abely described why we did this. It was as a position becomes vacant within a department that can be posted and the union positions bid and through the bidding process filled the position. And then at the entry level, because people were getting hired, and we don't need to relive that history. People just appeared before deadlines or before postings. It was our intent, and I had a hand in this so that's why I'm trying to clean some of our faux pas because when I make a mistake I readily admit it, and this is not the desired intent of this ordinance, is to micromanage departments to this degree. So it was to allow movement within the work force. With that said, it was also the intent to allow council to be fully informed that when vacancies occur and how people were moving through. And if council so desired, to look at the worthiness of a position and make a determination. But not to impede the ability of us to fill positions in critical positions. You know the waste water treatment plant, we have EPA mandates, etc. You know, the tree trimming department, that's a dangerous job. Dangerous you know. Imagine holding a chainsaw for eight hours and cutting trees. I couldn't hold it for 10 minutes, let alone an hour so you know to (inaudible) people off or what not. I feel partly responsible for this and feel compelled to help move this process along to help clean it up. So Steven, I interrupted you. I apologize.

Mr. Mientkiewicz: With the... we know there's going to be retirements. That's in writing, correct? If you have that in writing you know today and this person says they're going to retire a month, two months down the road, then the request should come to council sooner rather than later.

Mr. Stredney: That retirement isn't until the end of June so we would have had one request for the beginning of June. The other two we just became aware of. So, we're going to have three openings in June. Still can't bid until we get permission.

Mr. Mientkiewicz: And you just found out that they were to retire. They just submitted a letter?

Mr. Stredney: For one. The other two openings that will open in that same department in June, we just became aware of.

President Marino: Steven, they've known that retirement was coming for a long time. We saw the pictures of them celebrating his retirement so let's be fully transparent here.

Mr. Stredney: Yeah.

President Marino: We've known for a long time that Mr. Chuirazzi was retiring. Case and point is that when we know those things are occurring that needs to happen is there needs to be conferring with council. Not waiting until the last minute and dropping a bag of you know what in everybody's lap. So, that's going to require some work on the part of council and there might need to be more meetings... committee meetings scheduled on a regular basis. Where by, and I've said this before, when I was finance chairman we had a meeting every other Wednesday. When Tom was the finance chairman, I followed Tom. He's the one who started the finance meetings every other Wednesday. It was the Mayor who started that. You know, I don't want to tell council how to do its business. I'm strongly encouraging that that might become the norm so that when the administration has these things coming down the pipe, they communicate with council so everybody's fully informed. Whoever shows up, shows up. Whoever doesn't, doesn't. But at least there's an effort on both parts to keep government functioning efficiently.

Mr. Stredney: I think we might, and Andy might have to correct me if I'm wrong, I think it was maybe at least two weeks ago we sent the first email. It might have even been three weeks ago requesting that first position be looked at and to look at, what did you call it, something in training?

Ms. Marchese: Transition

Mr. Catanzarite: We talked about potential trying to create an operator training position which is a laborer that is committed to move up so that we don't have this lag with our shifts to be covered. If we could possibly. We have a bit of a snag there. It's the best I could... it comes with individual person's job description down there. We're really we're... Nick's retiring and we've got one guy's who transferring out. We do have a guy whose wife's due to have a baby in June and he figures he'll be off most of the month with her. We're not having to hire somebody else but we're going to have to cover his shifts and that's our third person. We're not really looking to bring three more on. That's not.

Mr. Stredney: Yeah.

Mr. Steffey: But what exasperates part of that process is if somebody bumps into a different position they have 30 days that they can decide to go back. And that position can't be filled for the department they were in until after that 30 days. And that's not 30 consecutive days, that's 30 business days which translates to about 6 weeks. So, when you have somebody leave the sewer department and they go to become an auto mechanic that position at the sewer department

although funded cannot be filled until after the expiration of that 30 day process. So that's something I was unaware of until very recently and that helps to slow the process.

President Marino: Well.

Mr. Mientkiewicz: Because of collective bargaining.

Mr. Steffey: Yes.

President Marino: I would fill the job. If it's desperately needed, to be honest with you Barry, I'd fill it and if somebody bid back then guess what, you're bumping out too. And so you know what, the contracts go both ways. If we're going to go work rules, then you know what then it... we need an operator or whatever, you fill because it's a needed job down there and we move on. And everybody in the bargaining unit understands the rules. And we do what we've got to do. Andy, regarding your comments on cross training or what not on growing our own, you know my view point on that. I was one of the individuals holding up the lab technician because I wanted a class 3.

Mr. Catanzarite: I understand.

President Marino: And the goal was okay the mayor was on sick leave when this occurred, we'll fill the position with our own with the understanding that that employee aspired to the class 3 and we begin to grow our own so that folks know there is opportunities for promotion within the department. If that's the philosophy, I can't imagine anybody in this room being opposed to that. But on the flip side of that, if that individual does not fulfill the employment obligations for the position, there can't be well we're going to put you over here. Wink wink wink. We're going to do this or that. Not that that happens because that absolutely does happen. Then they need to go the other way so.

Mr. Lastic: Can't we put somebody from the labor pool into that the guy takes the child for 30 days.

Mr. Stredney: This is pretty sophisticated stuff down there.

Mr. Lastic: No not the original job. The job that somebody bumped into like Bob said. We should hire you know. We should get somebody in there right away. Can't we take somebody every couple of days from the labor pool and put them in there to cover what we need?

Ms. Marchese: Not in those jobs.

Mr. Stredney: No, these jobs at the treatment plant they're all.

Ms. Marchese: Certified

Mr. Stredney: They're all certified technicians. Andy can explain more. These are not.

Mr. Catanzarite: This isn't somebody I'd want, and nothing against just a laborer. A laborer may clean shrub one day and mow grass the next day, might sweep sidewalks, might do whatever. We need guys that understand the technology at the plant that are gonna also be willing to work different shifts because that's always been a catch 22 at our operations (inaudible) wants a 5 week rotation.

Mr. Lastic: No, I'm not talking I'm not talking... I'm not talking about that job. Fill that job with a qualified whoever you need. But whoever came somewhere to take that job, his job is open.

Mr. Catanzarite: Oh that.

Mr. Lastic: We're not filling that job for 30 days. Why can't we just take.

Mr. Catanzarite: I see what you are saying.

Mr. Lastic: The labor pool guy. I'm not talking about that job.

Mr. Stredney: I see what you're saying. I'm sorry bear. When we get to the lower jobs, yeah we'll make do.

Mr. Lastic: Yeah.

Mr. Stredney: We'll pull people wherever.

Mr. Lastic: Instead of waiting the 30 days. You got somebody who cuts grass in the summer.

Mr. Stredney: Correct. Yeah, I'm sorry. I thought you were talking about those jobs. No, on the lower ones we'll make due. We'll pull where we have to until.

Mr. Lastic: Thank you

Mr. Stredney: It trickles down.

President Marino: So, Andy.

Mr. Catanzarite: It is my understanding what Giovanne just told me if the gentleman is transferring out is willing to sign off saying I'm not coming back.

President Marino: That's a collective bargaining agreement. That would have to be between.

Mr. Catanzarite: I like I said, it's there.

President Marino: The service director and AFSCME.

Mr. Catanzarite: So if he could do that, if he'd be willing to do that then we could fill it right away as well.

President Marino: So long as, and I don't want to get into collective bargaining here because this isn't the venue.

Mr. Catanzarite: I understand.

President Marino: That would be between the union officials and the administration to make accommodations for that.

Law Director Swauger: Mr. President, if I may?

President Marino: Mr. Swauger.

Law Director Swauger: You could always have the council declare the position as necessary so that when that 30 days is up, it can be posted without waiting for council. So even though he's got those 30 days to come back, you guys could approve the position before that and just not post it until those 30 days are up. It will speed the process up because you get like right now and if Mr. Stredney finds out today our next meeting isn't for another 2 weeks, nothing can be done for those 2 weeks. But if you approved it in advance, then in those 2 weeks he can at least get ready to post it when the time comes. So, the council doesn't have to wait those 30 days.

President Marino: Correct. So, alright so the next meeting we will rectify this and the reciprocity. I appreciate council's indulgence.

It was moved by Steffey, seconded by Marchese to accept the Minutes from the May 3, 2017 meeting and place them on file.

Motion carried.

REPORTS AND COMMUNICATIONS

FROM –Trumbull County Engineer, Randy Smith

Letter regarding Council of Governments. Clerk read the letter.

It was moved by Steffey, seconded by McNaughton to accept the report and place it on file.

President Marino: When I first came on council, there was a cog in the county and there was a council representative. You'll can go or you can pick one to represent council and I'm sure Ed is going to represent the administration. But, we have had members of council serve as a representative on the cog. So as this begins to take shape, Barry you'll have to think about that for next term if we're involved in this. Because there needs to be a representative from council affiliated with this.

Motion carried

FROM – Auditor’s Office

Statement of Cash from Revenue and Expense -April 2017

It was moved by Steffey, seconded by McNaughton to accept the report and place it on file.
Motion carried.

FROM – Service Director

Overtime by Department – April 2017

Mr. Steffey: Can I ask Mr. Stredney. I appreciate you providing this. Is there any way to show it versus last year?

Mr. Stredney: Last year’s is not in the same format. It’s just a gigantic spreadsheet. I think I did print it out for last month’s meeting and handed it out.

Mr. Steffey: Okay, I just think it would be telling easier to read if we exactly what the overtime was a year ago.

Mr. Stredney: It’s the same sheet. I can reprint it again and give it to you.

Mr. Steffey: Or e-mail it. Either way.

Mr. Stredney: I could email it to you.

Mr. Steffey: Okay. I’d appreciate it.

Mr. Mientkiewicz: Hold on.

President Marino: Oh, I’m sorry Steve.

Mr. Mientkiewicz: So, it looks...this month’s higher than last month’s because of \$25,000 in the light department. Is that because of the labor pool?

Mr. Stredney: I think some of that’s probably due to I think we had two big storms. You’re shaking your head no, John. We didn’t have them?

Auditor Merlo: I don’t think that’s through May. That’s through April, isn’t it?

Mr. Stredney: Yeah.

Mr. Mientkiewicz: It’s through April.

Auditor Merlo: Yes. That’s your total overtime for the year not just April.

Mr. Mientkiewicz: Total for April 45 or I’m sorry. Light Department overtime April \$25,000.

Auditor Merlo: That's total.

Mr. Mientkiewicz: Oh that's not just April?

Auditor Merlo: No.

President Marino: That's year to date.

Auditor Merlo: It's year to date.

President Marino: Overtime in the light department I believe I was told today is down over \$10,000 for the year.

Mr. Mientkiewicz: Okay.

Auditor Merlo: It is.

Mr. Mientkiewicz: Is there a way to look at it monthly as well? Departmental wise? Look at.

Mr. Stredney: Umm I'd have to ask my counterpart in the auditor's office.

Auditor Merlo: I can generate a report that will show monthly.

Mr. McNaughton: I can't ever remember seeing zero in fire. Clearly bringing those new firefighters on board is paying off.

President Marino: Any other comments? All in

Mr. Mientkiewicz: Then that doesn't make sense because fire had overtime in the previous months so that wouldn't be an ongoing record.

Auditor Merlo: I don't know. Let me see that.

President Marino: John, did you generate this report? Or did this come from

Mr. Mientkiewicz: I was under the impression this was each department's monthly.

Auditor Merlo: I don't know.

President Marino: Steven, hang on a second. John did you.

Auditor Merlo: I will have to look at it. I did not.

President Marino: Who generated the report?

Clerk: It comes from SSI.

President Marino: The auditor's office?

Clerk: Yes

President Marino: So this came from the auditor's office. Alright well then it's right. It came out of the auditor's office. It's right.

Mr. Mientkiewicz: For monthly or total?

Auditor Merlo: There's no dates on here. I'm not going to give you time specific on this until I double check it.

Mr. Mientkiewicz: I was under the impression, Ed, when I asked the former service director to generate this that he was going to do it per month per department. So, we'll be able to compare how much overtime was in January, how much was in February, how much was in March, April, and May and so on.

Ms. Marchese: The totals. It does have on the bottom the totals.

President Marino: Because our auditor is not comfortable discussing.

Auditor Merlo: I think we should address this at the next meeting.

President Marino: Let him go back, revisit the form. If you have any questions between now and then, John's always in the office. Call him.

Mr. Stredney: I just want with these reports, I request them out of the auditor's office so that way the numbers are true and factual and you're not getting.

Mr. Mientkiewicz: Oh definitely.

Mr. Stredney: You know. So

Mr. Mientkiewicz: That's what we want.

Mr. Steffey: I agree with Steve.

Mr. Mientkiewicz: But I think we want to see them, you know, so if in fact the light department had, and I'm not saying this, if in fact there's \$25,000 this month, and there was only \$10,000 last month then what's the reason it doubled? And that's for all departments. I try to monitor spending... overtime spending throughout the year.

President Marino: Agreed. Let's let John since he hasn't had an opportunity.

Auditor Merlo: I can send it to you guys tomorrow.

President Marino: To look at this. We have to accept this though because it was presented at a public meeting.

It was moved by Marchese, seconded by Steffey to accept the report and place it on file.
Motion carried.

COUNCIL COMMITTEE REPORTS

None.

MISCELLANEOUS REMARKS

Mr. Stredney: I sent an e-mail to some of you. There is a Shaw Avenue, I don't know if we can schedule something.

Mr. Mientkiewicz: Yeah would that in fact fall under public grounds?

Law Director Swauger: Streets

President Marino: Is this for paving up in the condo up at the top again?

Law Director Swauger: This would be streets. Do we have a streets committee here?

President Marino: Come back again.

Mr. Stredney: Mr. President, this has come back again. They have now

Ms. Marchese: They've been asking us.

Mr. Stredney: They've talked to us, Mr. Mientkiewicz. They're now paving or moving toward paving and they want to find out what they have to do to to help their association out. And I

think everybody here knows the story. I don't know where to send them except to start with a committee and have it start there because whatever is going to have to be done

President Marino: Well it would be your committee, Linda, with Kevin and the service director. It's streets, Kevin I want you involved. You're the engineering office. So, that's who it would it be. So Linda, I would appreciate if you would coordinate with Mr. Stredney to get a meeting scheduled.

Ms. Marchese: Okay.

President Marino: Notify council to make sure that Mr. Roberson's available to attend that meeting with the residents up there.

Mr. Mientkiewicz: And the issue is not so much anymore paving the streets. That association, from what I was told, raised the money to do their own street as well as their the private driveway or circle. They're interested in knowing the process that they have to take to dedicate that road to the city.

Mr. Lastic: Your talking 46 all the up to the entrance.

President Marino: Up in the top, bear.

Mr. Mientkiewicz: There're not... No they're not doing the entire road. They're doing from the start

Mr. Lastic: From their

Mr. Mientkiewicz: All the way to the top of the circle.

President Marino: Yeah so if we're going to accept it and we've learned our lesson, since I've been here so long, we want to make sure it conforms to everything that's required in accepting a street, Kevin. So, I just want to make sure it conforms to what.

Mr. Mientkiewicz: So so before, I don't know if you want to reach out to her Ed, before they do that maybe have them consult with Kevin so he can run down the city specifications for street resurfacing. If they want to dedicate that to the city in the future.

Mr. Lastic: That will be a problem.

Ms. Marchese: Why would it be a problem?

President Marino: Okay.

Ms. Marchese: I will set up a meeting.

President Marino: Anything else Ed?

Mr. Stredney: No, that's all Mr. President.

Chief Holland: Yes the 4 new cruisers, the last two are out of the shop and they're out front if anybody wants to take a look at them. They'll all be on the road starting tonight.

President Marino: Great thanks.

Chief Danielson: Got a couple things. We have through the hiring process is done with his medical. He finished up last week now it's just a matter of getting word from his stress test. If everything goes good, we should have him on the payroll (inaudible). That's going to be the replacement for Lieutenant Monteforte who retired. I talked to Andy and probably as soon as we get a few things done in our department, we're going to start flushing hydrants starting next week. Looks like we'll do a couple days of it and then make sure that everything's going good or if there's anything we have to change. We're going to start flushing next week.

Mr. Steffey: Chief, can I ask you do you still have a list of people on the civil service test that tested that you need to do more testing?

Chief Danielson: We're okay for now.

Mr. Steffey: You're in the same situation, chief?

Chief Holland: No, we've exhausted our list.

Mr. Steffey: Okay. I knew it was one

Chief Holland: We'd need a new test.

Mr. Steffey: And you're going to have upcoming.

Chief Holland: We have a vacancy right now.

Mr. Steffey: Okay. Then you're going to make a list of people to take the civil service.

Chief Holland: The commission is in the process of starting a test.

Mr. Steffey: Okay thank you.

Ms. Marchese: Excuse me, I have a question for Mr. Swauger.

President Marino: Go ahead.

Ms. Marchese: Okay. Terry and I talked and it's about the ordinances. The ordinance that we have on the books about people knocking at their doors late at night, the dates and times, how they have to go through the mayor's office. Can you kinda go over that with us a little bit?

Law Director Swauger: We have an ordinance on soliciting funds and solicitation, Chapter 745 in our code, and the hours are 10:00 A.M. – 4:30 P.M. Monday- Saturday. No soliciting on Sundays. They do have to have a permit. They have to register with the mayor's office and fill out an application for a permit in order to do this. They have to wear an identification badge from the mayor that says they've got their permit. So, if anybody is knocking at the door, there is no and they have no permit and they're after 4:30 P.M., that's a violation of our ordinances. You need to call the police department. Chief is aware and the officers are aware that they will come out and address the issue with the solicitor.

Mr. Lastic: They're not allowed to solicit for money either?

Law Director Swauger: They are. They are allowed to well, nonprofit organizations, shareholder, religious get a separate permit from people selling goods and ware.

Mr. Lastic: Alright. I should.

Law Director Swauger: So there is a process but they all have to go through the mayor's office.

Mr. Steffey: That would include trucks like say Swann's?

Law Director Swauger: No, those are businesses. They're not soliciting. They may be delivering or something. These are people we call them peddlers in the old days. They peddle their goods from door to door.

Ms. Marchese: We have a lot of cons going around I think right now.

Law Director Swauger: And I would guess

Ms. Marchese: That's why I asked you to bring that to council so we have it backup dated.

Law Director Swauger: A lot of the people that you know I've heard about, got calls, my guess is a lot of them are not really legitimate solicitors.

Ms. Marchese: Exactly.

Law Director Swauger: They're probably up to some nefarious activity.

Ms. Marchese: They are actually knocking on the doors, pulling in the drive ways.

Mr. Pezzano: Well I had a gentleman knock on my door the other day and he wanted to see my utility bills. And he said he had several calls from the neighbor saying our utility bills are sky high. And I told him, I didn't identify myself to him, but he was persistent to see my utility bills to see what they are. I looked across the street and there was another gentleman also knocking on the doors also so I called the chief and he investigated the following morning and found out that there was nobody down there to get.

Chief Holland: The only company that has an active permit on file right now is IGS Energy. That's it. Anybody else soliciting they would be in violation.

Ms. Marchese: That's for the gas, correct?

Mr. Steffey: Could I ask?

Ms. Marchese: Excuse me real quick. And is that the one before the city of Niles used to put in the electric bills on who they sought for or the best rate every year. We don't do that anymore do we? Because I haven't seen that?

Mr. Newbrough: Say that again?

President Marino: Do we have the aggregate for natural gas?

Ms. Marchese: Yes.

President Marino: Do we still aggregate the gas discounted pricing for the city of Niles?

Mr. Stredney: I'm not sure if we did this past year but I know I've already talked to a few different companies about all the different utilities for moving forward.

Ms. Marchese: Okay.

Mr. Stredney: I think I've got two more scheduled for next week and the week after.

Ms. Marchese: Okay. For the best rate for the city.

Mr. Steffey: My question would be what's the advantage to letting them go door to door. Opening up a customer base for them. Why do we even do that?

President Marino: You're not locked into that aggregate, Barry. It's just they give bulk pricing to the city. This started

Mr. Steffey: But what I mean.

President Marino: A long, long time ago.

Law Director Swauger: Natural gas prices are... natural gas was deregulated. You can choose your natural gas provider.

Mr. Steffey: I understand that but they want access to our customer base, our residences.

Law Director Swauger: Natural gas?

Mr. Steffey: Well the chief said there's one active company right now.

Law Director Swauger: That's IGS Energy. That's a natural gas company.

Mr. Steffey: Okay.

Law Director Swauger: We don't have those customers. We don't provide natural gas at the city.

Mr. Steffey: So, but I'm saying why do them allow to have access to the front door of our residence?

Law Director Swauger: Because it's the front door of the resident. We can't... I own the property. I'm allowed to allow people on my property if I choose to do so. That's just that we have an ordinance that allows solicitation.

Mr. Steffey: So.

Law Director Swauger: Unless council wants to go. There are various other ordinances around that are different from ours. Some allow longer hours, some allow some prohibit what's called aggressive solicitation. Some of them have different registration requirement. The problem you get into when you get into a religious organizations or non-profit groups particularly religious groups, you end up in court. There's a group that passed through here a couple of years ago, as prosecutor we filed charges on them and their lawyers from Washington D.C. were really ready to go after us for our ordinance violating their religious rights so you know it's an issue you tread lightly on.

Mr. Steffey: I appreciate your explanation. I'm just concerned about people coming to the front door of somebody and taking advantage of them.

Law Director Swauger: Right.

Mr. Steffey: What's the plus? What's the minus of the legality of it?

Law Director Swauger: If council would like, I can provide you some samples of other legislations that other cities have so you can compare if you want to review those. I will get those to all of you.

Mr. Pezzano: That would be good, Mr. Swuager. And I agree with Mr. Steffey and my colleagues here because the way he was persistent with me and I just adamantly told him no, pretty much get off my porch because you know. But I was concerned about the senior citizens. If they're that pushy, they're going to make them sign something that you know.

Law Director Swauger: My guess is that he's really not a solicitor. My guess is he's

Mr. Pezzano: Yeah, that's why I called the chief to see there's any.

Law Director Swauger: I don't think... you can pass all of the laws in the world, that's not going to stop people like that.

Mr. Pezzano: Right. I understand that.

Law Director Swauger: They have to be arrested.

Mayor Scarnecchia: The gas companies usually do it through the mail.

Ms. Marchese: Exactly.

Mr. Pezzano: Right.

Mayor Scarnecchia: I've never seen them go door to door.

President Marino: Terry, can you do me a favor? Make sure our booster groups within the schools are aware of that so they don't get hung up on...because the kids run around and sell those cards or whatever. I don't want our school to get caught up in (inaudible)

Ms. Marchese: Terry, if we could also get that posted on our website so people who don't come to a meeting and they can still maybe read it and they'll know more about that?

Law Director Swauger: Well, it's in our code. I mean, it's a lengthy.

Ms. Marchese: Oh.

Law Director Swauger: It's a whole section 745. It has about 13 subsections to it.

Ms. Marchese: I don't know if somehow we can just put like downsize a little bit, like a paragraph or something so people that just get on and read our city of Niles website can see it for themselves.

Law Director Swauger: I will look into that with Mr. Dibble and try word something together that will at least direct people to the.

President Marino: Terry, just put a solicitation comment or questions and hyperlink it to that ordinance.

Law Director Swauger: Yeah I was going to say we'll get.

Ms. Marchese: That's good.

Law Director Swauger: A little small paragraph together and hyperlink it to our ordinance.

Ms. Marchese: Well good. Thank you.

Law Director Swauger: You're welcome.

Mr. Crowley: Real quick I wanted to inform council and the public, we did successfully complete the application for our CHIP grant along with Girard and Hubbard. The grant's approximately \$1 million and Niles's portion will be \$400,000. Remember I said put in the application, we don't know if we have it yet. But just to get to that point was a lot of work and I want to thank the administration for all their help. So, we'll know about that in the fall. We did not get that last year so hopefully we'll be able get that with our other fellow cities. And we'll have \$400,000 to be able to put into our community. So, we'll keep you posted on it but the application has been submitted.

President Marino: What firm are we using?

Mr. Crowley: Neighborhood Development Services out of Ravenna.

Mr. Newbrough: Yes. That discussion we just had on utility rates, I myself have had three calls at home saying that my electric rate could be lowered if I go get my bill and tell them what's on my bill. That's true if you don't live in the city because electric is deregulated. You can buy your power, bulk power from anywhere if you have Ohio Edison. And then they add on all of their changes too. We (inaudible) We buy our power from AMP Ohio and as it stands right now, the citizens have no say in where we get the bulk amount. So if someone calls you up... and I've even tried to explain to them I work for the electric company. I know you can't so this and they hang up on me. So, if you do get those calls (inaudible)

Mr. Lastic: Yes, Mayor. When you call the office, the mayor's office and nobody answers, does it kick over to another?

Mayor Scarnecchia: It goes into voicemail.

Mr. Lastic: I know.

Mayor Scarnecchia: Pardon me.

Mr. Lastic: I called three times in 45 minutes and I never got an answer.

Mayor Scarnecchia: Did it go.

Mr. Lastic: I got voicemail yeah.

Mayor Scarnecchia: Did you leave a message?

Mr. Lastic: No. I don't want to leave a message. That's why I called.

Mayor Scarnecchia: Okay.

Mr. Lastic: I'm wondering does it kick to anything?

Mayor Scarnecchia: No. No.

Mr. Lastic: What if there's nobody there the rest of the day? Or they're gone all day? It just goes... the call goes.

Mayor Scarnecchia: No

Ms. Marchese: Her voicemails all filled up.

President Marino: Linda, let.

Ms. Marchese: I'm sorry.

Mayor Scarnecchia: Leave a message and you'll get a call back very shortly when somebody is back at the phone.

President Marino: Tom, you can't have the phone roll to another office desk?

Mayor Scarnecchia: No, you have to roll it. It doesn't roll automatically.

President Marino: That's what I'm saying. When Diane has to step out, or has to leave and Ed's busy.

Mayor Scarnecchia: Maybe she's going to the bathroom or somewhere... what is it? 10 minutes? She doesn't roll it over.

President Marino: But if she's gone 45 minutes, does she roll it to another desk? I guess we're just asking maybe look at the practice.

Mayor Scarnecchia: We'll look at it.

Auditor Merlo: It does get rolled. They roll. When she's off for the day it does get rolled to another.

President Marino: Alright.

Auditor Merlo: Someone else takes the calls.

Mayor Scarnecchia: Right. We'll look at that.

President Marino: Alright. Thanks.

Mr. Lastic: It does?

Auditor Merlo: It does.

Mr. Lastic: If she's off?

Auditor Merlo: If she's off.

Mayor Scarnecchia: We'll look councilman, we'll look. Will do.

President Marino: Thanks.

Mr. Steffey: Mr. Robertson, I wanted ask if you happen to know about the paving projects. A timeline on.

Mr. Robertson: For Olive?

Mr. Steffey: The four. Olive, Summit, 3rd, 5th.

Mr. Robertson: We had the bid opening and we did get a low bidder but it hasn't been awarded yet so probably a couple months we could start...a couple of weeks. I talked to CT consultants today and they're in the process of getting all of that paperwork over to me.

Mr. Steffey: Okay.

Mr. Robertson: I'll be able to update you probably in two weeks.

Mr. Steffey: That'd be great. If you can just shoot an email that would be most appreciated.

Mr. Robertson: No problem.

Mr. Steffey: Thank you.

President Marino: Kevin, did you say a couple months to do that?

Mr. Robertson: It could be up to a month until.

President Marino: Oh up to a month. Okay. I thought you said a couple of months.

Mr. Robertson: A month or two.

President Marino: Alright.

Mr. Robertson: That we would start.

President Marino: Alright thanks. Barry, anything else?

Mr. Steffey: No that's it.

Ms. Marchese: Yes, that was part of my question to ask you. The other part is will they be doing curbing with that or just the streets themselves.

Mr. Robertson: There is no curbing.

Ms. Marchese: No curbing.

Mr. Robertson: Just the street resurfacing.

Ms. Marchese: Okay. Somebody asked me on Olive and I said I'll find out tonight. So are they going to re-lift all these holes and this concrete up, I mean excuse me, the blacktop up?

Mr. Robertson: It will be just a mill and fill. They'll mill out two inches and replace two inches. Is that what you're asking?

Ms. Marchese: Yeah no not the whole road but I was under the impression that grant was going to repave all of Olive street.

Mr. Robertson: It will but it's a mill and fill. It's just you mill out two inches. You grind off two inches.

Ms. Marchese: Okay.

Mr. Robertson: And replace it with two inches of new surface.

Ms. Marchese: Okay, now I got you. Yes. Okay. Thank you.


Mr. Pezzano: Yeah bear with me I have a few people to thank. I want to thank Mr. Newbrough and Carmen Rounds for attending to an issue down on Morningside right after the storm. Andy and his crew yesterday, the sewer department responded quickly to Cassandra. And especially yesterday I had the opportunity; I want to thank Chief Holland, Officer Crank and Maria. Yesterday, I wanted to sit with Officer Crank and review how his procedure was for the impound lot. It just so happened when I was there, he was towing a car. So I got to see from step one to the final step involving Maria and everybody there. So I want to thank you.

ADJOURN

It was moved by Steffey, seconded by Lastic to adjourn the meeting.



Nicole Bacak, Clerk of Council



ROBERT MARINO, JR., President of Council